

# **EXHIBIT PP**

# Estate of Joseph Tuohy

# VCF Documentation



September 11th  
Victim Compensation Fund

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August 27, 2018

JANE TUOHY  
C/O WENDELL TONG  
SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, PC  
120 BROADWAY 18TH FLOOR  
NEW YORK NY 10271

Dear JANE TUOHY:

The September 11th Victim Compensation Fund (“VCF”) has reviewed your Eligibility Form. You submitted an Eligibility Form on behalf of JOSEPH TUOHY. Your claim number is VCF0112052. Your Eligibility Form was determined to be substantially complete on August 24, 2018. As stated in the Regulations and on the claim form, by filing a substantially complete Eligibility Form, you have waived your right to file or be a party to a September 11th-related lawsuit on behalf of the decedent and his or her survivors.

#### **The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center (“WTC”) Health Program, the decedent has been found eligible for the following injuries:

- NON-HODGKIN LYMPHOMA UNS NODES MULTIPLE SITES

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

#### **What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any



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compensation, you should amend your claim. If you choose to amend your claim, you will need to use the VCF Private Physician process. The Private Physician process is a way for the VCF to gather the required information about the decedent's treatment in order to process your claim. All forms are available on the VCF website under "Forms and Resources." The website also includes detailed information and instructions on the Private Physician process.

**If the decedent did not have injuries other than those listed above,** you should submit your Compensation Form and required supporting materials. If you have already submitted your Compensation Form, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: JANE TUOHY



September 11th  
Victim Compensation Fund

November 29, 2019

JANE TUOHY  
C/O WENDELL TONG  
SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, PC  
120 BROADWAY 18TH FLOOR  
NEW YORK NY 10271

Dear JANE TUOHY:

The September 11th Victim Compensation Fund ("VCF") sent you a letter on December 12, 2018 notifying you of the amount of your award. Your claim number is VCF0112052.

You then amended your claim to request additional losses. The VCF has considered your amended claim and reviewed the new information you provided. This letter sets forth the revised award and supersedes and replaces all previous letters.

Based on the information you submitted, the VCF has calculated the amount of your award as [REDACTED]. This determination is in accordance with the requirements of the VCF Permanent Authorization Act. The enclosed "Award Detail" includes a detailed explanation of the calculation and a list of the eligible conditions included in this determination.

The VCF has determined that the loss of your husband's FDNY pension benefits, which terminated at his death, is not a loss compensable by the VCF. That said, the Special Master recognizes the fairness disparity in a process whereby former first responders, such as your husband, who responded to the WTC site in the wake of the attacks, do not qualify for Line of Duty death designations from their former employers because they were not officially deployed to the response effort. Based on the circumstances presented in your claim, and in the discretion of the Special Master, your compensation award includes [REDACTED] in economic loss.

Please note that FDNY life insurance of [REDACTED] which was not offset in the prior compensation determination, is now offset from the award.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.

### **What Happens Next**

You have already received a payment of [REDACTED]. You are now entitled to an additional payment of [REDACTED]. This amount is equal to the difference between your revised total award and the amount that has already been paid on your claim.



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The VCF will deem this award to be final and will begin processing the payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account designated on the VCF ACH Payment Information Form or other payment authorization document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated or if you believe you can demonstrate extraordinary circumstances indicating that the award does not adequately address your claim. **If you choose to appeal, your payment will not be processed until your appeal has been decided.**

To request a hearing, you must complete and return the enclosed Compensation Appeal Request Form and Pre-Hearing Questionnaire no later than **30 calendar days** from the date of this letter. The VCF will notify you in writing of your scheduled hearing date and time and will provide additional instructions to prepare for your hearing. If both forms are not submitted with complete information within 30 days, you have waived your right to appeal and we will begin processing your payment.

- **Amending your Claim:** You may amend your claim in the future if your circumstances change and you have new information to provide to the VCF that you believe warrants additional compensation. The VCF website has important information about the specific circumstances when it is appropriate to request an amendment. For more information and examples of such situations, please refer to "Section 5 – Amendments" in the VCF Policies and Procedures document available under "Forms and Resources" on the VCF website. Please review the information carefully when deciding whether to amend your claim. If you submit an amendment, the VCF will review the new information and determine if it provides the basis for a revised decision.
- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source payment, please complete the "Collateral Offset Update Form" found under "Forms and Resources" on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.



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If you have any questions, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: JANE TUOHY



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## Award Detail

Claim Number: VCF0112052  
Decedent Name: JOSEPH TUOHY

<b>PERSONAL INJURY CLAIM (Losses up to Date of Death)</b>	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	
<b>Subtotal Award for Personal Injury Claim</b>	



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<b>DECEASED CLAIM (Losses from Date of Death)</b>	
<b>Loss of Earnings including Benefits and Pension</b>	
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Survivor Pension	
SSA Survivor Benefits	
Worker's Compensation Death Benefits	
Other Offsets related to Earnings	
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>	
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Replacement Services	
Burial Costs	
<b>Total Other Economic Losses</b>	
<b>Total Economic Loss</b>	
<b>Non-Economic Loss</b>	
Non-Economic Loss - Decedent	
Non-Economic Loss - Spouse/Dependent(s)	
<b>Total Non-Economic Loss</b>	
<b>Additional Offsets</b>	
Social Security Death Benefits	
Life Insurance	
Other Offsets	<b>\$0.00</b>
<b>Total Additional Offsets</b>	
<b>Subtotal Award for Deceased Claim</b>	



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<b>Subtotal of Personal Injury and Deceased Claims</b>	
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	
<b>Factors Underlying Economic Loss Calculation</b>	
Annual Earnings Basis (without benefits)	
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

<b>Eligible Conditions Considered in Award</b>
Non-hodgkin Lymphoma Uns Nodes Multiple Sites

# Family Member Affidavits

Jane Tuohy

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
RAYMOND ALEXANDER, et al.,

**AFFIDAVIT OF**  
**JANE TUOHY**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK)

: SS

COUNTY OF SUFFOLK)

JANE TUOHY, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at

2. I am currently 78 years old, having been born on

3. I am the wife of Decedent, Joseph Tuohy, upon whose death my claims are based. I submit this Affidavit in support of the present motion for a default money judgment for the claim made on behalf of my husband's estate and for my solatium claim. On December 18, 2017, I was issued Letters Testamentary as Executrix of my husband's estate by the Suffolk County Surrogate's Court

4. My husband passed away from Non-Hodgkin's Lymphoma on November 8, 2017, at the age of 79. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade

Center.

5. I met Joe at the age of 19. We married when I was 22 years old. We were happily married for 50 years, had four children, and shared our life with our family, friends, and neighbors. Joe was the kindest, bravest, and caring person, not only to me and our children but to family, friends, neighbors, and strangers. He had a heart that was good and righteous.

6. Joe was a FDNY member for thirty-eight years. He retired in June of 2000. On 9/11, we were at home. I called him in to watch when the first plane hit. My son, a probationary firefighter was there, too. When the second plane hit, he told our son he would be needed and had to get to the city. At the same time, he called our friend, Bill Butler. Joe and Bill went to elementary school together, worked together, had families, and played together. He knew that if his son was working, he would be the first to go down to the towers. When the towers went down, both Joe and Bill decided to go in. They needed all hands for recovery. Joe and I went over. I stayed with my friend and watched all day. Joe and Bill went to the city. Even though all roads were shut down, they had their badges still, and were able to pass. I don't know how many hours later, they walked in the house and Bill said "Jane, it's gone, they're all gone." Our best friend lost their son. A boy we watched grow into a wonderful man. We were at their son's Christening the day before. At that time, I still didn't know where my son was. Thankfully, I heard from him 3 days later. Joe spent the next years going to help with the FDNY recovery effort, going to the family reassurance center, and helping families. He even went to our son's firehouse, where 6 of his fellow firefighters had been lost. He would cook and even hang dry socks.

7. Joe had gone regularly for 16 years to be checked for effects from the 9/11 attacks. Before the year was out, he went to our family doctor, and she did a blood test. It didn't look good.

That was in January 2017. He started chemotherapy that following Tuesday for Non-Hodgkin's lymphoma. We then went to the first chemotherapy consultation. The doctor saw that Joe was a firefighter. The doctor asked him if he was at Ground Zero, when affirmed, we were told to contact the WTCHP since this is a 9/11 cancer. We did as we were directed. He was accepted into the program. He lost his fight on November 8, 2017. Three days before our 50th wedding anniversary. Instead of the celebration we planned, it was the first day of his wake.

8. Joe and I traveled and helped care for our 9 grandchildren so that our children could work. We helped them financially so they could live in New York. Since Joe's death my income has decreased because his pension, which was  $\frac{1}{4}$  of our income stopped immediately. Part of me is gone too. I was a young girl when I met Joe. He was every part of my life. We worked together, played together, and did everything together. I was 73 years old when Joe died. I no longer have anyone to share my life with. Thankfully, I have a good family, but it does not fill the loneliness which I find at times acutely. When returning home from gatherings I don't have someone to laugh or talk about it with, no one to decide what we will do for vacation, or even just dinner. This weekend, two of my son's grandchildren graduated high school. I couldn't share that either. Two months after Joe's death, our 10th grand child was born. I helped care for him. Joe would've loved to help too. Life goes on, but some of the joy has diminished and will never return.

Sworn before me this

4<sup>th</sup> day of Aug, 2023  
Debra Rowe  
 Notary public

DEBRA ROWE  
 NOTARY PUBLIC STATE OF NEW YORK  
 SUFFOLK COUNTY  
 LIC. #01RO0008858  
 COMM. EXP. 05/31/2027

